



Hon. Cheryl Pollak  
United States Magistrate Judge  
United States Courthouse  
Eastern District of NY

February 8<sup>th</sup>, 2018

1:17-cv-01668-ARR-CLP Lopez v. Angelitos Auto Repair Inc

Your Honor:

We represent Plaintiff Miguel Lopez in the above-referenced action. At the inquest for damages before Your Honor earlier today, we all witnessed Defendant trying to intimidate Plaintiff by delivering open threats to call the immigration authorities.

In the elevator on our way down at the Courthouse after the inquest was over, the Defendant and his agent very aggressively *again* told Plaintiff that he was going to "Send ICE to his house" for filing a lawsuit against him. Now that Defendants have engaged at inquest stage, they have also unfortunately engaged in threat to report my client to immigration authorities, should he continue with his wage claims.

Accordingly, I only briefly write now to ask that the Court permit me to raise, on behalf of my client, the possibility of amending his complaint to add a FLSA retaliation claim should Defendants or their agents continue to deliver such unlawful retaliatory threats in an effort to escape accountability for exploiting Plaintiff in violation of federal and state law. See, e.g., Penberg v. Healthbridge Mgmt., No. 08 CV 1534 CLP, 2010 WL 4286377, at \*4 (E.D.N.Y. Oct. 19, 2010) (Stating that post-employment threats would dissuade "a reasonable employee" -- i.e., not an actual employee who is the subject of the threat-- from seeking redress of rights under retaliation provisions).

We also respectfully ask that Your Honor excuse my client from appearing at the March 8<sup>th</sup>, 2018 conference. The undersigned will bring two witnesses who will testify as to Plaintiff's employment. Plaintiff regretfully appears to be terrified at the possibility that Defendants make good on their threats.

Respectfully,

Lina M. Franco, Esq.  
Attorney for Plaintiff

---

[www.LinaFrancoLaw.com](http://www.LinaFrancoLaw.com)

42 Broadway, 12-126, New York NY 10004

Lina @LinaFranco.com

P: 800-933-5620



PAGE LEFT INTENTIONALLY BLANK



PAGE LEFT INTENTIONALLY BLANK